

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

CANDELA CORPORATION, <i>et al.</i>	)	
	)	
Plaintiffs,	)	No. 08 C 949
	)	
v.	)	Judge Charles R. Norgle, Sr.
	)	
PALOMAR MEDICAL TECHNOLOGIES, INC.	)	Mag. Judge Morton Denlow
	)	
Defendant.	)	
	)	

**DECLARATION**


I, **David Van Dam, M.D.**, declare as follows:

1. I have personal knowledge of the facts and circumstances set forth herein.
2. In connection with my medical practice, which is located in Barrington, Illinois, and Crystal Lake, Illinois, I have treated several thousand patients.
3. I estimate that I have at least 50,000 patient records in my possession. Most of these records contain multiple comments about treatments provided to my patients. Almost all of these treatment notes are handwritten, and relevant notes may appear in several sections of each chart. I estimate that, in order to respond to the subpoena issued by the plaintiffs in this matter, it would take several months to review the medical records in my possession to determine what treatments were used on individual patients.
4. My patient records are maintained alphabetically. They are not arranged by the type of procedure performed on the patient.
5. There are 21 administrative employees working with me, and the services of these employees are essential to the operation of my offices.

6. If my administrative employees were required to take time away from their normal duties to review patients' medical records, I expect that my practice would suffer financial harm that I am not able to quantify at this point.

7. I believe that the disclosure of confidential patient records in my possession – which include photographs in many instances, as well as medical histories and other sensitive personal information – could be ruinous to my practice, because my patients value their privacy and I expect that many of them would not use my services if they learn that their records will be disclosed.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct. Executed on February 22, 2008.

  
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David Van Dam, M.D.